

COMMISSION MEETING

THURSDAY, AUGUST 4, 2011

PRESENT: **NANCY CARTMILL, PRESIDENT**
ROBERT L. BAILEY, COMMISSIONER
ANNE YON, COMMISSIONER
CHRIS TATUM, COUNTY MANAGER

ABSENT: **RHONDA MONTANEZ, PURCHASING ASSISTANT**

Nancy Cartmill, President, called the regular scheduled meeting of the Cabell County Commission to order at 10:00 a.m.

APPROVE;

Robert L. Bailey, Commissioner, **moved to approve the agenda as presented.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

Anne Yon, Commissioner, **moved to approve purchase orders #12-35075 through #12-35478 and pay jackets.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

Robert L. Bailey, Commissioner, **moved to approve the minutes from the June 7, 2011, regular Commission meeting, erroneous assessments, land consolidations, split tickets and probate documentation.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

Robert L. Bailey, Commissioner, **moved to approve handwritten checks to Highmark West Virginia and Fort Dearborn Medical Life, not to exceed \$100,000.00, from the Cabell County Medical Insurance Fund.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

**“OPEN BIDS” TO PROVIDE AN IMAGING SYSTEM FOR THE
CABELL COUNTY CIRCUIT CLERK**

Chris Tatum, County Manager, informed the Commission that one bid was received for the imaging system. Mr. Tatum stated the bid was from Software System, Morgantown, West Virginia, for \$116,682.20.

Robert L. Bailey, Commissioner, **moved to take the bid under advisement.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

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#246

LETTER, THOMAS W. MCCOMAS, SHERIFF

RE: SHERIFF'S SETTLEMENT FOR JULY, 2010

THROUGH JUNE 30, 2011

Anne Yon, Commissioner, **moved to approve the letter from the Sheriff regarding the Sheriff's Settlement for July 1, 2010 through June 30, 2011.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#247

LETTER, KAREN S. COLE, COUNTY CLERK

RE: PRESENTATION OF CARRYOVER FOR CABELL

COUNTY EMERGENCY RESPONSE CENTER

FUND FOR FY 2010-2011

Robert L. Bailey, Commissioner, **moved to approve the 2010-2011 Carryover for the Cabell County Emergency Response Center Fund (E-911).** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#248

LETTER, KAREN S. COLE, COUNTY CLERK

RE: PRESENTATION OF CARRYOVER FOR CABELL

COUNTY EMERGENCY MEDICAL SERVICES

FUND FOR FY 2010-2011

Anne Yon, Commissioner, **moved to approve the 2010-2011 Carryover for the Cabell County Emergency Medical Services Fund (CCEMS)**. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#249

RESOLUTION, CABELL COUNTY COMMISSION

**RE: IN THE MATTER OF THE RELEASE AND
SUBSTITUTION OF COLLATERAL BONDS
BY FIRST SENTRY BANK**

Robert L. Bailey, Commissioner, **moved to approve the release and substitution of Collateral Bonds by First Sentry Bank**. Anne Yon, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (A)**

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#250

RESOLUTION, CABELL COUNTY COMMISSION

**RE: IN THE MATTER OF THE PLEDGING OF A
LETTER OF CREDIT BY FIRST SENTRY BANK**

Anne Yon, Commissioner, **moved to approve the pledging of a Letter of Credit by First Sentry Bank.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (B)**

#251 LETTER, ADELL CHANDLER, CIRCUIT CLERK

RE: EMPLOYMENT

Robert L. Bailey, Commissioner, **moved to approve the employment of Mary Smith as a full time clerk, effective August 16, 2011.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#252 APPEARING, FRED WILLIAMS, ESQUIRE

**RE: TO CONSIDER FOR FIRST READING OF AN ORDER
BY THE COUNTY COMMISSION AUTHORIZING (i)
THE CONTINUED LEASING OF THE 911 EMERGENCY
RESPONSE CENTER, THE SITE THEREOF AND ALL
NECESSARY APPURTENANCES FROM THE CABELL
COUNTY BUILDING COMMISSION (ii) THE
REFUNDING OF THE BUILDING COMMISSION'S**

LEASE REVENUE BONDS, SERIES 2008 (THE “2008 BONDS”) PREVIOUSLY ISSUED FOR THE DESIGN ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE 911 EMERGENCY RESPONSE CENTER (iii) THE SALE AND ISSUANCE BY THE BUILDING COMMISSION OF NOT TO EXCEED \$7,000,000 LEASE REVENUE REFUNDING BONDS SERIES 2011 (THE “SERIES 2011 BONDS”), THE PROCEEDS OF WHICH SHALL BE USED TO REFUND THE 2008 BONDS AND PAY THE COSTS ASSOCIATED WITH THE TERMINATION OF AN INTEREST RATE MANAGEMENT CONTRACT ASSOCIATED WITH THE 2008 BONDS AND COST OF ISSUANCE OF THE SERIES 2011 BONDS; (iv) THE EXECUTION AND DELIVERY OF AN AGREEMENT AND LEASE WITH RESPECT TO THE 911 EMERGENCY RESPONSE CENTER AND OTHER INSTRUMENTS; DOCUMENTS AND MATTERS RELATING TO THE TERMS AND SECURITY OF THE SERIES 2011 BONDS; AND (v) CERTAIN OTHER MATTERS IN CONNECTION THEREWITH

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Fred Williams, Attorney with Steptoe & Johnson, explained the procedure to the Commission and stated this would be the first reading for the issuance of bonds regarding the E-911 Center. Mr. William further stated that the second reading and Public Hearing would be at the August 18, 2011 meeting.

Robert L. Bailey, Commissioner, **moved to approve the 1st reading of the order regarding the issuance of bonds for the E-911 Center.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (C)**

#253

APPEARING, BRUCE L. STOUT, ESQUIRE

RE: MOTION TO QUASH SUBPOENA IN THE ESTATE

OF NELL REEVES MOORE

Robert L. Bailey, Commissioner, **moved to table this item.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#254

APPEARING, ANNA PRICE, ESQUIRE

RE: PETITION TO PROBATE LOST WILL IN THE ESTATE

OF FRANCES AVERETT CLARK

Anna Price, Attorney with Huddleston Bolen, appeared before the Commission requesting a copy of the will of Frances Averett Clark be used for probate. Ms. Price went on to say the original will had been destroyed or lost.

William Watson, County Attorney, informed the Commission that he had reviewed the documentation and found it to be in order and would recommend the Commission approve.

Anne Yon, Commissioner, **moved to allow a copy of the will, regarding the Estate of Frances Averett Clark, be admitted for probate.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#255

APPEARING, RACHEL TURNER, ESQUIRE

**RE: PETITION TO DISMISS CLAIMS AGAINST THE
ESTATE OF GERMAINE LAWSON DUE TO
INSOLVENCY AND TO CLOSE ESTATE**

William Watson, County Attorney, stated that the estate was insolvent and there were no assets to satisfy any claims against said estate, therefore, he would recommend the Commission dismiss the claims on the estate.

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Anne Yon, Commissioner, **moved to approve the petition to dismiss claims against the Estate of Germaine Lawson.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#256

APPROVE ORDER IN THE ESTATE OF JOHN CLEDITH

BECKELHEIMER

William Watson, County Attorney, explained that Paul Ryder, Attorney for the Executor, had taken exception with the Fiduciary Commissioner's findings and planned to take this matter to the Circuit Court.

Robert L. Bailey, Commissioner, **moved to approve the Fiduciary Commissioner's findings.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#257

APPROVED ORDER IN THE ESTATE OF PETER

SAOUNAN/GEORGE BETER

George Beter, Attorney, read a statement regarding real estate owned by the late Peter Saouan, located in Lebanon. Mr. Beter stated that the Lebanon Consul in New York, requested birth and death affidavits that were in the custody of the Cabell County Probate Office.

William Watson, County Attorney, stated this was an unusual request dealing with the ownership of land in Lebanon. Mr. Watson further stated he had reviewed the documentation and would advise the Commission to approve the order.

Robert L. Bailey, Commissioner, **moved to approve the order regarding the certification of documents for the Estate of Peter Saouan.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#258

APPEARING, SILLING & ASSOCIATES

RE: DESIGN SERVICES FOR CONSTRUCTION OF

COURTROOM #4

Chris Tatum, County Manager, informed the Commission that this item would need to be advertised. Mr. Tatum stated that an interview committee would also need to be created in order to select an architect to oversee construction of the new courtroom.

Anne Yon, Commissioner, **moved to approve the advertisement for design services for the construction of Courtroom #4.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

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#259

APPEARING, A. GORDON MERRY, JR., CCEMS DIRECTOR

RE: UPDATE ON EMS STATION IN BARBOURSVILE

Gordon Merry, CCEMS Director, provided the Commission with an update on finding land in the Barboursville area to build an ambulance station. Mr. Merry stated that the Village of Barboursville wanted to sell the land or lease it to the county.

William Watson, County Attorney, stated he did not believe it was a good idea for the county to lease land where an ambulance station would be built.

The Commission and Mr. Merry decided to continue looking for land to build an ambulance station in the Barboursville area.

#260 RESOLUTION, CABELL COUNTY COMMISSION

RE: RECLASSIFICATION – E-911

Anne Yon, Commissioner, **moved to approve the reclassification of Patrick Stapleton as a full time Telecommunicator for E-911, retroactive to August 1, 2011, with a rate of pay of \$11.59 per hour.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#261 LETTER, RESOLUTION AND GRANT CONTRACT

RE: FY 2011 COMMUNITY PARTICIPATION GRANT

PROGRAM COLLIS P. HUNTINGTON RAILROAD

HISTORICAL SOCIETY PROJECT # 11LEDA0356-\$1,500

Connie Gray, Administrator of Grants, Planning and Permits, stated the funds from this grant would be used to re-upholster the existing furniture on railroad cars used for the New River Train Excursions.

Anne Yon, Commissioner, **moved to approve the grant contract, in the amount of \$1,500.00, for the Collis P. Huntington Railroad Historical Society.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (D)**

#262 LETTER, RESOLUTION AND GRANT CONTRACT

RE: FY 2011 COMMUNITY PARTICIPATION GRANT
PROGRAM DAR/BUFORD CHAPTER/RITTER PARK
CABIN RESTORATION PROJECT #11LEDA0370-#6,500

Mrs. Gray informed the Commission that the funds from this grant would be used for the rehabilitation of outdoor segments of the Daughters of the American Revolution log cabin.

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Anne Yon, Commissioner, **moved to approve the grant contract, in the amount of \$6,500.00, for the Daughters of the American Revolution.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (E)**

#263 LETTER, RESOLUTION AND GRANT CONTRACT

RE: JUVENILE ACCOUNTABILITY BLOCK GRANT
AWARD PROJECT #10-ABG-003-\$15,200

Mrs. Gray stated that the funds from this grant would be used for the continued funding of a Juvenile Assistant Prosecutor.

Anne Yon, Commissioner, **moved to approve the grant contract, in the amount of \$15,200.00, for an Assistant Juvenile Prosecutor.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (F)**

#264

RESOLUTION, CABELL COUNTY COMMISSION

**RE: IN THE MATTER OF THE ADOPTION OF A
RESOLUTION TO ALLOCATE HOTEL OCCUPANCY
TAX FUNDS TO THE FOUNDATION FOR THE
TRI-STATE COMMUNITY, INC., FOR THE HEALING
FIELD AT SPRING HILL CEMETERY**

Kevin Brady, Park Board Director, appeared before the Commission with a presentation regarding the Healing Field. Mr. Brady stated that the Park Board was requesting funds to purchase 3000 flags to be placed in the Spring Hill Cemetery for a memorial for the people who lost their lives on September 11, 2001.

Chris Tatum, County Manager, suggested the Commission take this matter under advisement.

#265

RESOLUTION, CABELL COUNTY COMMISSION

**RE: IN THE MATTER OF THE ADOPTION OF A
RESOLUTION TO ALLOCATE HOTEL OCCUPANCY
TAX FUNDS TO ARTS RESOURCES FOR THE
TRI-STATE**

Robert L. Bailey, Commissioner, **moved to approve the allocation of funds from the Hotel Occupancy Tax Funds, in the amount of \$8,000.00, to Arts Resources For The Tri-State.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (G)**

RE: TIF PROPERTIES

Chris Tatum, County Manager, informed the Commission that the Assessor had sent a letter requesting the approval of corrections for three TIF Properties.

Robert L. Bailey, Commissioner, **moved to approve the corrections for three TIF Properties, located in Cabell County.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#268

LETTER, T.W. MCCOMAS, SHERIFF

RE: EMPLOYMENT – HOME CONFINEMENT

Robert L. Bailey, Commissioner, **moved to approve the employment of Danne Vance as a permanent part time Home Confinement Officer, effective August 16, 2011, with a rate of pay of \$12.65 per hour.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#269

MEMORANDUM, CHRIS TATUM, COUNTY ADMINISTRATOR

RE: PURCHASING CARD APPROVAL

Chris Tatum, County Manager, stated that if the Commission was in agreement, purchasing cards would be issued to Gordon Merry, Mike Davis, Mike Tatum and J.R. VanOoteghem. Mr. Tatum went on to say this would stream-line the process of paying the county's bills.

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Anne Yon, Commissioner, **moved to approve issuing purchasing cards to Gordon Merry, Mike Davis, Mike Tatum and J.R. VanOoteghem.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

Nancy Cartmill, President, adjourned the regular Commission meeting at 11:25 a.m., until the next scheduled meeting on Thursday, August 18, 2011, at 10:00 a.m.

PRESIDENT, COUNTY COMMISSION

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